

PATENT APPLICATION  
ATTORNEY DOCKET NO. 82271

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: **Matthew N. SONGER et al.**

Appln. No.: **PCT/US2004/003205**

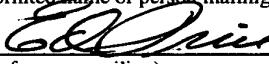
Filed: **February 5, 2004**

Title: **BONE PLATE SYSTEM**

Group

Art Unit: **Not Yet Assigned**

Examiner: **Not Yet Assigned**

) **CERTIFICATE OF MAILING BY "EXPRESS MAIL"**  
) "Express Mail" Mailing Label Number  
) EL 524667852 US  
) Date of Deposit October 21, 2005  
) I hereby certify that this paper or fee is being deposited with  
the United States Postal Service "Express Mail Post Office to  
Addressee" Service under 37 CFR §1.10 on the date indicated  
and above and is addressed to Mail Stop PCT, Commissioner  
for Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
) ED PRICE  
(Typed or printed name of person mailing)  
)   
(Signature of person mailing)

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. §1.137(b) TO REVIVE AN  
UNINTENTIONALLY ABANDONED INTERNATIONAL  
APPLICATION ELECTING THE UNITED STATES**

Dear Sir:

The above-identified International application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior of expiration of the time set in 37 CFR 1.495(b).

**APPLICANTS HEREBY RESPECTFULLY PETITION FOR REVIVAL OF THIS  
UNINTENTIONALLY ABANDONED APPLICATION.**

The above-identified International Application No. PCT/US2004/003205 (hereafter "the PCT Application") was filed on February 5, 2004. The PCT Application claimed priority from US provisional application No. 60/445,005, filed February 5, 2003, and designated the United States. Pursuant to 35 U.S.C. §371, the payment of filing fees and completion of National Phase processing was due by August 5, 2005.

10/27/2005 GFREY1 00000064 061135 10553940

06 FC:2453 750.00 DA

The entire delay in filing the US national phase application from the filing due date of August 5, 2005, until the filing of this grantable petition under 37 CFR 1.137(b) was unintentional.

This Petition includes:

1. Petition fee under 37 C.F.R. §1.17(m)(1) in the amount of \$750.00 for a small entity (*Trans. No. 25694*); and
2. Proper Reply, including:
  - a Transmittal letter PTO Form 1390, concerning filing under 35 U.S.C. 371, an authorization to charge our Deposit account 06-1135 in the amount of \$1,550.00 in payment of the Filing Fees under 1.492 for a small entity;
  - an Application Data Sheet;
  - a copy of Declaration and Power of Attorney (unexecuted);
  - a copy of the published PCT application WO 2004/071276 A2; and
  - a copy of the International Search Report with Written Opinion.

Favorable consideration of this Petition to Revive is earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees which may be required in this Petition under 37 C.F.R. §§1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1135. A duplicate copy of this paper is enclosed.

Respectfully submitted,  
FITCH, EVEN, TABIN & FLANNERY

Date: October 21, 2005

By Timothy P. Maloney

Timothy P. Maloney  
Registration No. 38,221  
Attorney for Applicant

120 South LaSalle Street  
Suite 1600  
Chicago, IL 60603  
Telephone: (312) 577-7000  
Facsimile: (312) 577-7007